

Chapter 22

Construction of Schools in Districts with New Industrial Plants

53A-22-101 Purpose of chapter.

It is the purpose of this chapter to provide school districts with the ability to raise funds for necessary new school construction, including additions to existing school buildings caused by the development of industrial plants that require large numbers of workers for their construction and operation.

Enacted by Chapter 2, 1988 General Session

53A-22-102 New industrial plants in school district -- Duty of school district.

A school district confronted with actual or anticipated large increases in enrollment because of the construction of a new industrial plant or plants to a degree that new buildings or additions to existing buildings are required shall make the following efforts to raise funds to meet those building needs:

- (1) bond to its maximum capacity and maintain maximum bonding by rebonding at least once every other year until building needs are met;
- (2) maintain an annual property tax levy for capital outlay and debt service combined of not less than .0036 per dollar of taxable value; and
- (3) initiate any action necessary to qualify for any state, federal, or other funds for capital outlay for which the district may be eligible.

Enacted by Chapter 2, 1988 General Session

53A-22-103 Funds raised -- Highest priority projects.

- (1) Funds raised by the school district in accordance with this chapter shall be used on the highest priority projects established by the district's five-year comprehensive capital outlay plan, which shall be approved by the State Board of Education.
- (2) The plan must include appropriate priorities for the construction of minimal facilities for new students.
- (3) If priority use of the funds raised by the district in accordance with this chapter does not provide minimal facilities as defined by the State Board of Education for students in any new and remote community established in the district, or for students in existing communities because of the location of new or expanded industries in the area, the district may enter into lease-purchase agreements or lease with option to purchase agreements with private builders to furnish the minimal facilities required by the district and approved by the State Board of Education.
- (4) The district may make payments on these agreements from any of its otherwise uncommitted capital outlay funds.

Enacted by Chapter 2, 1988 General Session

53A-22-104 Minimal school facilities -- Lease-purchase or lease with option to purchase agreement authorized.

- (1) If a school district is unable to find any private builder who is capable of furnishing minimal school facilities in new or existing communities, on terms acceptable to the district and to the

State Board of Education, the developers of the industrial plant, or plants, may agree to provide minimal school facilities under a lease-purchase agreement or lease with option to purchase agreement with the district.

- (2) The district shall pay the developers according to the terms of the agreement from sources listed for such payments in this chapter.

Enacted by Chapter 2, 1988 General Session

53A-22-105 Remote industrial plant requiring new school building -- Construction permit requirements.

A state officer or local governmental official may not issue a construction permit or other authorization for the construction of a remote industrial plant requiring the provision of a new community, including new public elementary and secondary school buildings, until the local school board of the district in which the plant will be located has certified to the state office or local official, in writing, that the district has obtained the funds, or a firm commitment that funds will be made available as necessary, to build the required minimal school facilities.

Enacted by Chapter 2, 1988 General Session

53A-22-106 Rules and regulations authorized.

The State Board of Education shall adopt all standards and rules necessary for the administration and enforcement of this chapter.

Enacted by Chapter 2, 1988 General Session